



ASSISTANT SECRETARY OF STATE  
WASHINGTON, D.C. 20520

*Argentina*

**URGENT**

~~Dear Dave —~~

~~I thought this would  
be useful for you to  
see before Espil comes  
in — he's likely to  
raise the issue, com-  
plain about Jerry  
Shectman & otherwise  
test our resolve —~~  
*Best — Pat*

~~Department of State, A/GIS/IPS/SRP~~

~~Change to~~

Release ( ) Excise ( ) Deny ( ) Declassify

~~Exemptions b ( ) ( ) E.O. 13526 25x ( ) ( )~~

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~~With concurrence of:~~

~~IPS by *W* obtained *not obt.* Date *12-19-16*~~

~~Department of State, A/GIS/IPS/SRP~~

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DEPARTMENT OF STATE

Date

12-14-84-16



## BRIEFING MEMORANDUM

S/S

February 22, 1980

~~CONFIDENTIAL~~

To: P - Mr. David Newsom

From: HA - Patricia M. Derian

### Disappearances

#### The Problem

ARA is opposing U.S. co-sponsorship of the West European resolution to establish a universal mechanism to deal with the problem of disappearances. (Tab 1.)

#### Issues

-- All of the West European countries plus Canada and Australia are co-sponsoring.

-- This is a top priority item for the U.S. at this session.

-- The resolution is not country-specific.

-- The Argentine government has been aware of our position for several weeks:

- In mid-January, instructions to Embassy Buenos Aires were cleared by Christopher, Brzezinski, and Bowdler, as well as IO and HA, stating we expect Argentina not to obstruct or otherwise oppose establishment of a universal procedure to deal with disappearances. In return, the U.S. would:

1) Not introduce a resolution dealing solely with disappearances in Argentina.

2) Not support, under the 1503 item, public censure of Argentina or the sending of an ad hoc investigating team. Instead, we would settle for "direct contacts" or a "thorough study."

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(GDS Feb. 22, 1986-Patricia M. Derian)

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- If Argentina tried to block a universal procedure, we reserved the right to support a country-specific resolution on disappearances and would also review our stand on the 1503 approach.

(These instructions are contained in State's 8592-NODIS.)

-- The instructions for General Goodpaster's mission contained the same positions.

-- The Argentina government told General Goodpaster that Argentina would not oppose the establishment of a general procedure.

-- Final instructions to the U.S. Delegation (attached) take account of Argentina's commitment and restate our position. (Tab 2)

-- At Geneva, Argentina has very clearly violated the commitment given to Goodpaster and Castro. (Cables attached at tab 3).

-- The Argentines have also begun another of their big diplomatic offensives to weaken U.S. and western resolve.

-- They've tried to claim they didn't promise not to oppose the proposals in the present western draft. This is absurd. The western draft is based on the Sub-commission's public recommendations of last August. Argentina knew all along what was involved.

-- ARA is arguing that the U.S. never told the Argentines we were going to co-sponsor, and that we should therefore just vote "yes" when the time comes. However, we made it clear to the GOA that this is a matter of top priority which we intend to support vigorously. There is no way to read the cables on the subject without concluding that we intend to co-sponsor. (ARA never even asked the question, by the way.) To conclude that we meant less is to torture the meaning of the instructions beyond all rationality.

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-- Failure to co-sponsor would also place us conspicuously alone in the west and would be a public statement of retreat on a critical issue. (We would also have to answer the question: "Did we make a secret deal on grain? or on the Olympics?)

-- Representative Bonker, a member of the U.S. Delegation, is introducing a concurrent resolution on disappearances. We understand the resolution is likely to pass quickly in the House, perhaps during the time the issue is being debated in Geneva.

Attachments:

1. Resolution.
2. Instructions to U.S. Delegation
3. Argentina's commitment.

HA:PFlood/PMDerian/cpj  
20334, 2/22/80

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80 GENEVA 2569

02/22/80 111654 PRINTER: WU

(1)

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ACTION IO-15

INFO CCT-01 ARA-11 ADS-00 HA-05 SSO-00 NSCF-00 INRE-00  
ICAE-00 AF-10 EA-10 EUR-12 NEA-06 CIAE-00 DODF-00  
PM-05 H-01 INR-10 L-03 NSAF-00 PA-01 SP-02 SS-15  
/107 W

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C 151852Z FFP 80

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2554

INFO USMISSION USUN NEW YORK

AMEMBASSY BUENOS AIRES

~~CONFIDENTIAL~~ SECTION 01 OF 02 GENEVA 02569

E.O. 12065: GDS 2/15/86 (HELMAN, G.R.) OR-M

TAGS: UNHRC, SHUM, ECON

SUBJFCT: UNHRC: PLANNED WFO ACTION ON DISAPPEARED  
(ITEM 10E)

1. (C - ENTIRE TEXT)

2. AN INFORMAL WORKING GROUP OF WFO'S (INCLUDING COHEN, US) HAS PREPARED A DRAFT RESOLUTION ON MISSING AND DISAPPEARED PERSONS FOR COMMISSION ADOPTION. WFO STRATEGY IS FOR SELECTED WFO HEADS OF DELEGATIONS (TENTATIVELY FRANCE, CANADA, UK, NETHERLANDS) TO DISCUSS THE TEXT DIRECTLY WITH THE ARGENTINE REP. THEREAFTER A WORKING GROUP COMPOSED OF WFO'S AND ARGENTINES (AT WORKING LEVEL) WILL WORK OUT PRECISE TEXT. AS A FIRST STEP, THE FRENCH REP. (SOYER) WILL GIVE THE TEXT FEBRUARY 15 (FRIDAY) TO THE ARGENTINE REP (WHO REQUESTED IT FROM SOYER, HAVING HEARD OF WFO INITIATIVE) WITH THE REQUEST THAT AFTER THE ARGENTINES HAVE STUDIED IT, A MEETING OF HEADS OF DELEGATIONS WILL TAKE PLACE. THE FRENCH REP. WILL REPORT TO THE WFO'S MONDAY MORNING ON THE INITIAL ARGENTINE REACTION BEFORE STEP

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TWO IS CARRIED FORWARD.

3. TEXT IS AS FOLLOWS:

THE COMMISSION ON HUMAN RIGHTS,  
(1) BEARING IN MIND GENERAL ASSEMBLY RESOLUTION 33/173 OF 20 DECEMBER 1978, WHICH REQUESTED THE COMMISSION ON HUMAN RIGHTS TO CONSIDER THE QUESTION OF DISAPPEARED PERSONS WITH A VIEW TO MAKING APPROPRIATE RECOMMENDATIONS,  
(2) TAKING INTO ACCOUNT RESOLUTION 1979/38 OF THE ECONOMIC AND SOCIAL COUNCIL, AND RESOLUTION 5 B (XXXII) OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES,

(3) CONVINCED THAT THE ELIMINATION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES REQUIRES A SYSTEMATIC EFFORT ON THE PART OF THE INTERNATIONAL COMMUNITY AND ON THE PART OF

*WESTERN  
DRAFT-1  
RESOLUTION*

Department of State, A/GIS/IPS/SRP  
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TELEGRAM~~*l/a  
(3)*PAGE 01      GENEVA 01975 071852Z  
ACTION 10-15

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GENEVA 01975 071852Z

INFO OCT-01 ARA-11 AOS-00 HA-05 AF-10 EA-10 EUR-12  
 NEA-00 PID-07 SR-04 RP-10 TRC-00 SIS-01 OMB-01  
 CIAE-00 DODE-00 NSAE-00 NCCE-00 CDO-00 ICAC-00  
 IURE-00 PM-05 H-01 ICR-10 L-03 PA-01 SP-02 SS-15  
 OIC-02 DCT-02 EB-03 SY-05 /147 V  
 -----123900 071910Z /46

O 071831Z FEB 80  
 FM USMISSION GENEVA  
 TO SECSTATE WASHDC IMMEDIATE 2122  
 INFO AMEMBASSY BUENOS AIRES

~~CONFIDENTIAL~~ GENEVA 01975

E.O. 12065: GDS 2/7/BG (HELMAN, G. B.) OR-M  
 TAGS: UNHRC, CHUM, UN  
 SUBJECT: 36TH SESSION UNHRC: ARGENTINE POSITIONS

1. C - ENTIRE TEXT

2. USDEL LEARNED (TELCON RUSER-COHEN) OF RECENT GDA  
 DEMARCHE TO INFLUENCE US POSITION ON 1503 COMMUNICATION  
 AGAINST ARGENTINA (SEE REF A). CONTRARY TO ARGENTINE  
 INFORMATION, THE WORKING GROUP HAS NOT YET FINISHED ITS  
 WORK NOR ISSUED ITS REPORT. IT IS NOT SCHEDULED TO  
 COMPLETE ITS WORK UNTIL THE WEEK OF FEBRUARY 13. THERE-  
 AFTER THE COMMISSION IS EXPECTED TO TAKE UP THE 1503  
 CASES. LIKE ARGENTINA, USDEL HAS HEARD RUMORS ABOUT  
 SOME OF THE GROUP'S DECISIONS TO DATE BUT SINCE THEIR  
 WORK IS NOT YET COMPLETED AND THEIR REPORT NOT ISSUED  
 WE DO NOT TAKE THESE RUMORS AS FINAL. THE GDA IS  
 CLEARLY EMBARKED ON A CAMPAIGN TO INFLUENCE THE WORKING  
 GROUP PRIOR TO THE COMPLETION OF ITS REPORT AND ALSO TO  
 INFLUENCE COMMISSION CONSIDERATION OF THE REPORT. USDEL  
 CONSIDERS THIS INTERFERENCE WITH THE EFFECTIVE AND FAIR  
 FUNCTIONING OF THE PROCEDURES, THE WORKING GROUP, AND  
 THE FLEXIBILITY STATES SHOULD HAVE TO DECIDE ON THE  
 MERITS OF THE CASE AFTER HEARING THE WORKING GROUP'S  
 RECOMMENDATIONS.

3. IN FACT, ARGENTINA HAS BEEN QUITE BLATANT IN ITS  
 POLITIKING IN THE HRC. THUS, THE GDA TO DATE HAS TAKEN  
 POSITIONS OBSTRUCTING THE COMMISSION'S PROGRESS IN THE  
 HUMAN RIGHTS FIELD. ARGENTINA WAS THE ONLY REPEAT ONLY  
 LATIN AMERICAN STATE TO VOTE WITH THE SOVIET BLOC AND  
 AGAINST THE WEST TO PREVENT THE COMMISSION FROM SENDING  
 A TELEGRAM TO THE USSR ON THE SAKHAROV CASE (SEE REF B).  
 THE VOTE WAS A VERY CLOSE ONE, 15 - SOVIET BLOC TO 13  
 SO THAT THE ARGENTINE VOTE COUNTED. OTHER LATIN AMERICAN  
 STATES EITHER JOINED THE WEST IN THE VOTE (COLOMBIA,  
 COSTA RICA, URUGUAY) OR ABSTAINED (BRAZIL, PERU, PANAMA).  
 MOST OF THE 15 WERE SOVIET ALLIES, DEMONSTRATING WHAT  
 IS COMMONLY UNDERSTOOD AMONG HRC DELEGATES TO REFLECT A DEAL  
 COOPED BETWEEN ARGENTINA AND THE USSR TO PROVIDE MUTUAL  
 SUPPORT. THE WEST DID SUCCEED HOWEVER IN ENSURING THAT THE  
 COMMISSION WOULD TAKE UP THE SAKHAROV CASE PUBLICLY AT  
 A LATER TIME UNDER ITEM 12 (THE SAME ITEM ARGENTINA WILL  
 COME UNDER). FUTURE VOTES BY CAMBODIA, KAMPUCHEA,  
 AFGHANISTAN AND IRAN WILL PROVIDE FUTURE TESTS OF  
 ARGENTINA'S POSITION ON HUMAN RIGHTS GENERALLY.

4. THE ARGENTINE DELEGATION ALSO HAS DELAYED AND  
 ULTIMATELY MAY DELAY PROGRESS ON CERTAIN PROVISIONS OF  
 THE TORTURE CONVENTION, ANOTHER HIGH PRIORITY ITEM FOR  
 THE US. ALTHOUGH THE WORKING GROUP ON THE CONVENTION  
 AGAINST TORTURE HAS REACHED THE STAGE WHERE ADOPTION OF  
 ALL ARTICLES EXCEPT PERHAPS THOSE ON AN IMPLEMENTATION  
 MECHANISM IS POSSIBLE AT THIS HRC SESSION, THE ARGENTINE  
 REPRESENTATIVE (WITH CUBAN HELP) OFTEN HAS SINGLEHANDEDLY

DELAYED OR OBSTRUCTED THE PROGRESS OF THE WORKING GROUP.  
 THIS COULD HOLD UP THE CONVENTION'S EARLY COMPLETION.  
 THEIR USUAL TACTIC IS STUBBORN INSISTENCE ON ARGENTINE  
 AMENDMENTS WHICH ARE OBVIOUSLY INCOMPATIBLE WITH CRIMINAL  
 JUSTICE SYSTEMS OF MOST COUNTRIES REPRESENTED IN THE  
 WORKING GROUP OR WHICH WEAKEN OR NARROW MODEL PROVISIONS  
 IN THE HAGUE (AIRCRAFT HIJACKING), MONTREAL (AIRCRAFT  
 SABOTAGE), NEW YORK (PROTECTION OF DIPLOMATS) AND  
 HOSTAGES CONVENTIONS. SOVIET REPRESENTATIVE IN WORKING  
 GROUP, INITIALLY COOPERATIVE NOW IS SHOWING SIGNS OF  
 BEING ENCOURAGED BY ARGENTINE TACTICS TO BECOME  
 OBSTRUCTIONIST, IN PARTICULAR BY PROPOSING EQUALLY  
 UNACCEPTABLE "COMPROMISES" ON ARGENTINE AMENDMENTS.

5. IN SUMMARY, USDEL IS DISTURBED TO DATE BY ARGENTINE  
 PERFORMANCE AT CHR ON HUMAN RIGHTS QUESTIONS AND BY ITS  
 CLOSE ALLIANCE WITH THE USSR IN SUPPORT OF POSITIONS  
 CLEARLY DETRIMENTAL TO US HUMAN RIGHTS EFFORTS AND  
 OBJECTIVES. THESE POINTS CERTAINLY SHOULD BE RAISED IN  
 ANY FUTURE DEMARCHE THE GDA SHOULD MAKE TO UCG ABOUT OUR  
 POSITIONS. FYI. IN CONVERSATIONS BETWEEN USREP SHESTACK  
 AND COLOMBIA AND COSTA RICAN REPS, VIEW EXPRESSED THAT  
 WEAKENING OF US POSITION ON ARGENTINA WOULD BE SEEN AS  
 DEFECT FROM US COMMITMENT TO HUMAN RIGHTS.

6. CONVERSATIONS OF HELMAN AND SHESTACK WITH ARGENTINE  
 FIRM REP AND HRC REP WILL BE REPORTED SEPTEL. HELMAN

*Argentina*  
*Argentine Behavior*  
*in Geneva*

~~Department of State, A/GIS/IPS/SRP~~

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## Department of State

INCOMING  
TELEGRAM

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PAGE 01  
ACTION IO-15

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INFO OCT-01 ARA-11 ADS-00 HA-05 CIAE-00 DODE-00 PM-05  
 H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15  
 NSCE-00 SSO-00 ICAE-00 INRE-00 OIC-02 /071 W  
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 FM USMISSION GENEVA  
 TO SECSTATE WASHDC IMMEDIATE 2690  
 INFO AMEMBASSY BUENOS AIRES IMMEDIATE

~~CONFIDENTIAL~~ GENEVA 02719

E.O. 12065: GDS 2/20/86 (HELMAN, G. B.) OR-M  
 TAGS: UNHRC  
 SUBJECT: 36TH UN HUMAN RIGHTS COMMISSION: WEO DRAFT  
 - RESOLUTION ON DISAPPEARED (ITEM 10B)

REF: GENEVA 2569

1. (C - ENTIRE TEXT.)

2. AT WEO MEETING, THE FOLLOWING STRATEGY WAS AGREED UPON FOR RESOLUTION ON DISAPPEARED REPORTED REFTEL.

- Argentine  
obstructionist*
- A) NEGOTIATIONS WILL CONTINUE BETWEEN WEO WORKING GROUP AND ARGENTINE DELEGATION TO SEEK CONSENSUS. THUS FAR GOA HAS BEEN OBSTRUCTIONIST WITH REGARD TO A GENERAL PROCEDURE.
  - B) THE WEO DRAFT RESOLUTION WILL BE TABLED ON FRIDAY MORNING (FEB. 22). ALL WEO GROUP PLANS TO CO-SPONSOR. USDEL RECOMMENDS STRONGLY THAT WE CO-SPONSOR THIS MODERATE RESOLUTION FOR AN EFFECTIVE GENERAL PROCEDURE FOR DISAPPEARED. PLEASE ADVISE.
  - C) CANADIAN DELEGATION SUGGESTED THAT IF ARGENTINES REMAIN OBSTRUCTIONIST, WEO SHOULD REINTRODUCE ITS RESOLUTION OF LAST YEAR WHICH AFFORDS ARGENTINA SIMILAR TREATMENT TO CHILE. USDEL OPPOSED THIS, BUT THERE IS SUPPORT AMONG SOME WEO MEMBERS FOR THIS STRATEGY.
3. USDEL AWAITS INSTRUCTIONS ON 2 (B). HELMAN

*PF*  
*Cleared cable okaying*  
*US co-sponsorship*  
*2/21/80*  
*PPB*  
*2/22 - 9:30 A.M.  
Left that  
cable was not  
sent because of  
ARA's [redacted]  
objection(s).*

~~CONFIDENTIAL~~

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Argentina (2 of 4)